

[Note: Changes are indicated by red markups. Underlines indicate new text and strikethroughs indicate deleted text.]

## 2.1 Takedown and Transcript Filing in Criminal Proceedings

### A. Takedown

1. The following shall be taken down:
  - (1) All proceedings in death penalty cases.
  - (2) All habeas corpus proceedings.
  - (3) Felony cases
    - (a) Guilty pleas and nolo contendere pleas.
    - (b) During trial, all evidence including testimony, objections and rulings, motions and rulings thereon, jury charge, and sentencing.
    - (c) Motion for new trial hearings.
  - (4) Guilty pleas and nolo contendere pleas in misdemeanor cases.
2. All other proceedings in felony or misdemeanor cases, such as pretrial motions, voir dire, opening statements, colloquies, closing arguments, and probation revocation hearings shall be taken down only when requested by the court, counsel, or defendant.
3. No proceeding in magistrate court other than required by law shall be taken down unless requested by the court, counsel, or defendant.

### B. Preparation and Filing of Transcript

1. A transcript shall be prepared and filed in:
  - (1) All death penalty case proceedings.
  - (2) Felony trials, jury or non-jury, resulting in a guilty verdict.
2. When requested by the court, counsel, defendant, or petitioner, a transcript shall be prepared and filed in all other proceedings.

## 2.4 Business Continuity

Each court is responsible for ensuring that an accurate record of court proceedings is produced as an essential requirement of due process of law.

To ensure business continuity, it is recommended practice that the court ~~the court shall~~ maintain a record of court proceedings irrespective of the production of the official record. The record maintained by the court is owned by the court and shall be made available to the public as required by law.

In addition to official reporting of court proceedings, it is recommended that the court require a digital recording of proceedings where transcripts are required or the court determines it is otherwise necessary to ensure business continuity. Courts utilizing digital recording for business continuity should follow the policies and procedures set forth in Policy 3.1 for the management of digital recording equipment and personnel assigned to its operation. Digital recordings should be stored in a secure, accessible location; indexed for convenient retrieval; and retained according to applicable retention schedules.

As an alternative to digital recording, ~~it is recommended that~~ the court may ~~court~~ designate as the business continuity recording a backup recording generated by a court reporter who takes down assigned court proceedings. If so designated, a court reporter who takes down an assigned court proceeding shall generate a backup recording and provide it to the court on a periodic schedule (daily, weekly or monthly) as ordered by the court.